

CONTRACT for the Procurement of CYSTOSCOPY TOWER

KNOW ALL MEN BY THESE PRESENTS:

THIS CONTRACT ENTERED INTO THIS 23rd day of December 2019, BY AND BETWEEN:

The **Jose R. Reyes Memorial Medical Center**, a government hospital under the Department of Health of the Republic of the Philippines, with address at San Lazaro Compound, Rizal Avenue, Sta. Cruz, Manila, represented by its Medical Center Chief II, **EMMANUEL F. MONTAÑA, Jr., MD, FPCS, FACS, MHA** and hereinafter referred to as the "ENTITY"

- and -

SAVIOUR MEDEVICES, INC. a corporation created under Philippine Law with office address at 5F BTTC Centre Ortigas Avenue, Greenhills, San Juan City, herein represented by its Chairwoman/ President, **MARIA ANNA B. NARVASA**, and hereinafter referred to as the "SUPPLIER".

WITNESSETH:

WHEREAS, a competitive bidding was conducted on 25 July 2019 by the Entity through the Hospital Bids and Awards Committee for the procurement of **Cystoscopy Tower** hereinafter called the "ITEM." The SUPPLIER was awarded the project in the sum amount of **FIVE MILLION SIX HUNDRED SIXTEEN PESOS (P5,000,616.00)** only, inclusive of local taxes and the ENTITY has accepted the bid for the following particular/s:

Item No.	Item Description	BRAND/ COUNTRY ORIGIN	QTY.	UNIT PRICE (PhP)	TOTAL PRICE (PhP)
1	Cystoscopy Tower	Karl Storz/ Germany	1 unit	5,000,616.00	5,000,616.00
G R A N D T O T A L					5,000,616.00

WHEREAS, the Supplier, having the necessary resources and expertise, is willing and competent to provide the required items.

NOW THEREFORE, for and in consideration of the premises and of terms and conditions hereinafter set forth, the parties hereby agree as follows:

Article I- SCOPE OF CONTRACT

1. In this Agreement words and expressions shall have the same meaning as are respectively assigned to them in the Conditions of Contract referred to.
2. The following documents shall be deemed to form and be read and construed as part of this Agreement, viz.:
 - a. Hospital Bids and Awards Committee Resolution to Award no. 2005 s. 2019 (Annex 1);
 - b. Notice of Award (Annex 2);
 - c. Purchase Request No. 2019-06-2421 (Annex 3);
 - d. Certificate of Availability of Fund No. 2019-06-503 (Annex 4);
 - e. Bid Bulletin (Annex 5);

- f. The Bid Form and the Price Schedule submitted by the Bidder (Annex 6);
g. The Schedule of Requirements (Annex 7);
h. The Technical Specifications (Annex 8);
i. The General Conditions of Contract (Annex 9);
j. The Special Conditions of Contract (Annex 10);
k. The Abstract of Bids (Annex 11);
l. The Warranty (Annex 12); and
m. The Performance Security (Annex 13);
n. Project Procurement Management Plan (Annex 14);
o. Brochure (Annex 15).

ARTICLE II - EFFECTIVITY OF THE CONTRACT

The effectivity date of this contract is the date of the SUPPLIER's receipt of the Notice to Proceed (NTP) unless a different date is stated in the NTP.

The SUPPLIER shall deliver the ITEM within the period specified in the Notice To Proceed (NTP).

ARTICLE III- DURATION OF ENGAGEMENT

Unless sooner terminated, this Contract shall be valid for thirty (30) days reckoned from the receipt of Notice to Proceed (NTP).

ARTICLE IV- TERMS OF PAYMENT

- a) In consideration of the payments to be made by the Entity to the Supplier as hereinafter mentioned, the Supplier hereby covenants with the Entity to provide the goods and to remedy defects therein in conformity in all respects with the provisions of the Contract.
- b) The Entity hereby covenants to pay the Supplier in consideration of the provision of the goods and services and the remedying of defects therein, the Contract Price or such other sum as may become payable under the provisions of the contract at the time and in the manner prescribed by the contract.

ARTICLE V- SETTLEMENT OF DISPUTES

Any and all disputes arising from the implementation of this contract shall be submitted to arbitration in the Philippines according to the provisions of Republic Act (R.A) 876, otherwise known as the "Arbitration Law" and RA 9285 otherwise known as the "Alternative Dispute Resolution Act of 2004". Provided further, that by mutual agreement, the parties may agree in writing to resort to other alternative modes of disputes resolution.

ARTICLE VI- LIQUIDATED DAMAGES

When SUPPLIER fails to perform its obligation within the period as set in the Contract, SUPPLIER shall be liable for damages for the delay and shall indemnify the ENTITY liquidated damages in the amount equivalent to one-tenth (1/10) of one percent (1%) of the cost of the unperformed portion for everyday of delay. Provided, that such delay is not attributed to ENTITY'S failure to meet its obligation to SUPPLIER, or due to force majeure. Provided further that, in the event the cumulative amount of liquidated damages reaches ten percent (10%) of the amount of the contract, ENTITY may rescind or terminate the Contract, without prejudice to other courses of action and remedies available with the circumstances.

ARTICLE VII- ADDITIONAL PROVISIONS


- a) It is understood that no employer-employee relationship exists between the ENTITY and SUPPLIER and/or the latter's staff or employees by reason of this Contract;
- b) Should the ENTITY be constrained to resort to court action to protect its right and interests hereunder, the SUPPLIER shall pay the ENTITY an amount equivalent to 20% of the total sum claimed in the complaint as and by way of attorney's fees plus expenses of litigation recoverable under pertinent laws provided, that the attorney's fees shall in no case be less than Twenty Thousand Pesos (Php20,000.00). Venue of such court action shall be laid exclusively in the proper court of Manila Philippines.

IN WITNESS whereof the parties hereto have caused this Contract to be executed in accordance with the laws of the Republic of the Philippines on the day and year first above written.

Signed:


**JOSE R. REYES MEMORIAL
MEDICAL CENTER**

By:

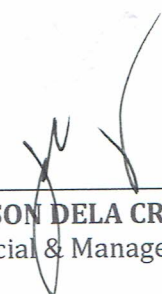

EMMANUEL F. MONTAÑA, JR., M.D., FPCS, FACS, MHA
Medical Center Chief II

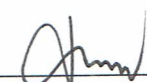
SAVIOUR MEDEVICES, INC.

By:


MARIA ANNA B. NARVASA
Chairwoman/ President

Signed in the presence of:


JAYSON DELA CRUZ, CPA, MPA
Financial & Management Officer II


DARLENE J. JUANILLO
Assistant Corporate Secretary

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
City of Manila) ss.

BEFORE ME, a Notary Public for and in the City of Manila, Philippines, personally appeared:

Name	CTC No./Govt. ID	Date/Place Issued
EMMANUEL F. MONTAÑA, JR., MD, FPCS, FACS MHA	02468888	Manila; January 05, 2019

MARIA ANNA B. NARVASA

Known to me and to me known to be the same persons who executed the foregoing contract and acknowledged to me the same as free and voluntary act and deed of the entities herein represented.

This **CONTRACT** consisting of four (4) pages including this page of which this acknowledgement is written and has been signed by the parties and their witnesses on each and every page thereof.

WITNESS MY HAND AND SEAL on this JAN 07 2020, 2019 at MANILA, Philippines.

JAYSON G. DELA CRUZ, CPA, MPA
Financial & Management Officer II

DARLENE J. JUANILLO
Assistant Corporate Secretary

Doc. No. 440
Page No. 14
Book No. 17
Series of 2020

Notary Public
ATTY. JAIME G. JIMENEZ
NOTARY PUBLIC
UNTIL OCTOBER 31, 2020
PTR NO. 6557-07
IBF NO. 1009907 JAN-2 2020
ROLL NO. 24555
MCLE V-0013251-DEC 7-2020



HBAC-A RESOLUTION NO. 2005 s. 2019

**BAC Resolution Declaring SCRB and Recommending Award
To Saviour MeDevices, Inc.**

WHEREAS, the JOSE R. REYES MEMORIAL MEDICAL CENTER posted the Invitation to Bid for the procurement of **Cystoscopy Tower** at the G-EPS and a conspicuous place at the premises of the JOSE R. REYES MEMORIAL MEDICAL CENTER continuously for 14 days;

WHEREAS, ExeCom Resolution with Reso No. 67 dated 17 June 2019 received by the BAC last 19 June 2019;

WHEREAS, Certificate of Availability of Fund with CAF No. 2019-06-503 dated 21 June 2019 received by the BAC last 17 June 2019 which the fund was available out of INCOME;

WHEREAS, a public bidding for the following item was held last 25 July 2019:

Item No.	Description	Quantity	unit	Unit Price	Total ABC
1	Cystoscopy Tower	1	unit	5,616,000.00	5,616,000.00

WHEREAS, in response to the said advertisements, one (1) bidder purchased bidding documents, submitted the specified requirements on the following item, was found eligible and passed the preliminary examination of bids last 25 July 2019;

WHEREAS, upon opening of bids, the BAC noticed that there was a discrepancy on the bid offer of Saviour MeDevices, Inc. in terms of figures which is P5,616,000.00 and in words which is Five Million Six Hundred Sixteen Pesos as stated on their bid form;

WHEREAS, Saviour MeDevices, Inc. was informed last 09 August 2019 that the total amount that will be awarded to their company will be Five Million Six Hundred Sixteen Pesos (P5,000,616.00) only as stated in their bid form.

WHEREAS, Saviour MeDevices, submitted their letter last 15 August 2019 that they will accept the amount that will be awarded to their company;

WHEREAS, the detailed evaluation of bids was completed on 29 August 2019 resulted in the following:

Item No.	Description	QTY	unit	Name of Bidder	Bid Price (As Calculated)	% Variance from ABC
1	Cystoscopy Tower	1	unit	Saviour MeDevices, Inc.	5,000,616.00	10.96

WHEREAS, the bid proposal of Saviour MeDevices, Inc., was found to be substantially complying;

WHEREAS, upon careful examination, validation and verification of all the eligibility, technical and financial requirements submitted by Saviour MeDevices, Inc., has been found to be responsive;

NOW, THEREFORE, We, the Members of the Hospital Bids and Awards Committee, hereby RESOLVE as it is hereby RESOLVED:

- a) To declare **SAVIOUR MEDEVICES, INC.** as the Bidder with Single Calculated and Responsive Bid for the procurement of the following:




Item No.	Description	QTY	Unit	ABC/ lot (PhP)	TOTAL ABC	Bid Price (As Calculated)	% Variance from ABC	Total Amount (PhP)
1	Cystoscopy Tower Karl Storz/ Germany	1	unit	5,616,000.00	5,616,000.00	5,000,616.00	10.96	5,000,616.00
T O T A L								5,000,616.00

- b) To award to **Saviour MeDevices, Inc.** the contract price of **FIVE MILLION SIX HUNDRED SIXTEEN PESOS (P5,000,616.00)** only for the procurement of above mentioned item;
- c) To recommend for approval by the MEDICAL CENTER CHIEF II of the JOSE R. REYES MEMORIAL MEDICAL CENTER the foregoing findings.


RESOLVED, this 15th day of October 2019, at JOSE R. REYES MEMORIAL MEDICAL CENTER, Santa Cruz, Manila.

Recommending Approval:


EMELITO O. VALDEZ-TAN, M.D.
Chairman



NATIVIDAD SARMIENTO
Vice-Chairman


CECILIO VIVAR, MD
Member


BLANQUITA JIMENEZ-BELEN
Member


ARLIE FELVIN GACIAS
Member

Approved by:


EMMANUEL F. MONTAÑA, JR., M.D.
Medical Center Chief II

Approved on OCT 16 2019

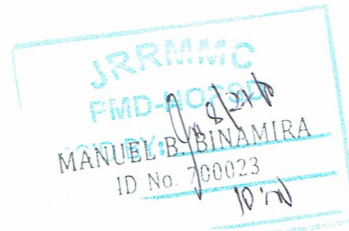
P-343



NOTICE TO PROCEED

08 January 2019

SAVIOUR MEDEVICES, INC.
5F BTTC Center, Ortigas Avenue,
Greenhills, San Juan City
Telephone No.: 706-7990 to 94
Fax No.: 9977937



Dear Sir/Madame:

The attached Contract Agreement having been approved, notice is hereby given to Saviour MeDevices, Inc. that delivery of Cystoscopy Tower in the amount of **FIVE MILLION SIX HUNDRED SIXTEEN PESOS (P5,000,616.00)**. You may deliver the following items within thirty (30) days:

Item No.	Item Description	BRAND/ COUNTRY ORIGIN	QTY.	UNIT	UNIT PRICE (PhP)	TOTAL PRICE (PhP)
1	Cystoscopy Tower	Karl Storz/ Germany	1	unit	5,000,616.00	5,000,616.00
GRAND TOTAL						5,000,616.00

Upon receipt of this notice, you are responsible for performing the services under the terms and conditions of the Agreement and in accordance with the Implementation Schedule.

Please acknowledge receipt and acceptance of this notice by signing both copies in the space provided below. Keep one copy and return the other to the JOSE R. REYES MEMORIAL MEDICAL CENTER.

Very truly yours,


EMMANUEL F. MONTAÑA, JR. MD., FPCS, MHA
Medical Center Chief H

I acknowledge receipt of this Notice on Jan. 10. 2020

Name of the Representative of the Bidder: Janice Esquivel

Authorized Signature 


RICHELLE



03 July 2019

MS. NENETTE MONICA L. TADEO
State Auditor IV, Audit Team Leader
Commission on Audit

Dear Ms. Tadeo:

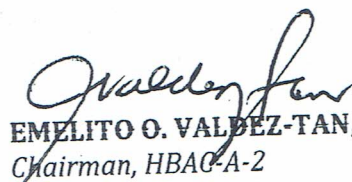
This is to invite you or to send one of your representatives in our Procurement Activities to serve as an Observer for the procurement of **Various Medical Equipment** for Jose R. Reyes Memorial Medical Center:

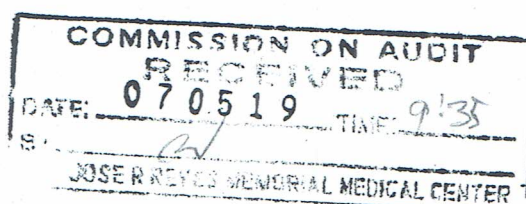
The schedule of the BAC activities is as follows:

Activities	Schedule Dates
Advertisement/ Posting of ITB	04 July 2019 (Thursday)
Issuance of Bidding Documents	04-25 July 2019
Pre-bidding Conference	11 July 2019 (Thursday) 1:00PM, OPD Conference Room, 2nd Floor, OPD Bldg.
Deadline for Submission of Bids/ Bid Opening	25 July 2019 (Thursday) 10:00AM, OPD Conference Room, 2nd Floor, OPD Bldg.
Bid Evaluation/Post Qualification	26 July-09 August 2019
Notice of Award	12 August 2019

We are looking forward to your presence.

Respectfully yours,


EMELITO O. VALDEZ-TAN, MD
Chairman, HBAC-A-2



RICH/juvie



Republic of the Philippines
Department of Health
JOSE R. REYES MEMORIAL MEDICAL CENTER
COMMITTEE ON BIDS AND AWARDS

RIZAL AVE., STA. CRUZ,
MANILA, 711-9491 loc. 245

03 July 2019

Ms. CRISTY VILLAHERMOSA-DONGUINES
Alliance of Health Workers
This Medical Center

Dear Ms. Donguines,

This is to invite you or to send one of your representatives in our Procurement Activities to serve as an Observer for the procurement of **Various Medical Equipment** for Jose R. Reyes Memorial Medical Center:

The schedule of the BAC activities is as follows:

Activities	Schedule Dates
Advertisement/ Posting of ITB	04 July 2019 (Thursday)
Issuance of Bidding Documents	04-25 July 2019
Pre-bidding Conference	11 July 2019 (Thursday) 1:00PM, OPD Conference Room, 2nd Floor, OPD Bldg.
Deadline for Submission of Bids/ Bid Opening	25 July 2019 (Thursday) 10:00AM, OPD Conference Room, 2nd Floor, OPD Bldg.
Bid Evaluation/Post Qualification	26 July-09 August 2019
Notice of Award	12 August 2019

We are looking forward to your presence.

Respectfully yours,


EDELITO O. VALDEZ-TAN, MD
Chairman, HBAC-A-2


CHRISTIAN R. SIGANCIA
NURSING ATTENDANT I



04 April 2019

MS. AURORA ANGELES - SANTIAGO
*Episcopal Commission for the Laity and Chairman,
Advocacy against Graft & Corruption,
Sangguniang Laiko ng Pilipinas
Telephone No.: 527-3124*

Dear Ms. Santiago:

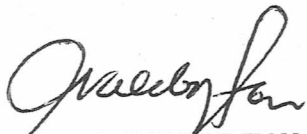
This is to invite you or to send one of your representatives in our Procurement Activities to serve as an Observer for the procurement of **Various Medical Equipment** for Jose R. Reyes Memorial Medical Center:

The schedule of the BAC activities is as follows:

Activities	Schedule Dates
Advertisement/ Posting of ITB	04 July 2019 (Thursday)
Issuance of Bidding Documents	04-25 July 2019
Pre-bidding Conference	11 July 2019 (Thursday) 1:00PM, OPD Conference Room, 2nd Floor, OPD Bldg.
Deadline for Submission of Bids/ Bid Opening	25 July 2019 (Thursday) 10:00AM, OPD Conference Room, 2nd Floor, OPD Bldg.
Bid Evaluation/Post Qualification	26 July-09 August 2019
Notice of Award	12 August 2019

Thank you for your usual cooperation.

Respectfully yours,


EMELITO O. VALDEZ-TAN, MD
Chairman, HBAC-A-2



03 July 2019

MR. ERIC JUDE ALVIA

Secretary General

NAMFREL

Room 601 DMG Center

Domingo M. Guevarra St.,

Barangay Mauway, Mandaluyong City

Telefax: 470-4151

Dear Mr. Alvia:

This is to invite you or to send one of your representatives in our Procurement Activities to serve as an Observer for the procurement of **Various Medical Equipment** for Jose R. Reyes Memorial Medical Center:

The schedule of the BAC activities is as follows:

Activities	Schedule Dates
Advertisement/ Posting of ITB	04 July 2019 (Thursday)
Issuance of Bidding Documents	04-25 July 2019
Pre-bidding Conference	11 July 2019 (Thursday) 1:00PM, OPD Conference Room, 2nd Floor, OPD Bldg.
Deadline for Submission of Bids/ Bid Opening	25 July 2019 (Thursday) 10:00AM, OPD Conference Room, 2nd Floor, OPD Bldg.
Bid Evaluation/Post Qualification	26 July-09 August 2019
Notice of Award	12 August 2019

We are looking forward to your presence.

Respectfully yours,

EMELITO O. VALDEZ-TAN, MD
Chairman, HBAC-A-2